



August 10, 2016

Hon. Anthony Foxx
Secretary of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Michael Huerta, FAA Administrator
800 Independence Ave. SW, 10th Floor
Washington, DC 20591

RE: Delta and other airlines computer outages

Dear Secretary Fox and Administrator Huerta:

In light of the Delta Airlines computer outage, Flyers Rights and Travelers United urge the Department of Transportation (DOT) and Federal Aviation Administration (FAA) to issue an emergency rule or order to protect hundreds of thousands of consumers from thousands of flight cancellations this week. DOT should immediately re-instate the reciprocity rule (formerly Rule 240) or otherwise make airline passengers whole when an airline computer outage cancels or delays flights.

Airlines have been using outdated computer systems for decades. When airline mergers boomed in the late 2000's, airlines declined the opportunity to update their systems and instead overloaded their outdated systems with increased traffic. Whether or not this was the right decision, airlines should bear the costs for the risks they took and continue to take. It is unfair to the traveling public that the cost of under investment in needed equipment be shifted and placed on the back of air travelers.

This is especially true where, as here, there is an easy cost effective, system wide regulatory fix (the reciprocity rule) that has been proven to reduce inconvenience caused by non-weather related flight cancellations.

Current remedies are entirely inadequate. Delta Airlines allowed re-booking, so long as the rebooked flight begins on or before Friday, August 12 (later amended to August 21). To force passengers to reschedule on the airline's time frame, due to an airline error, is completely unreasonable. In the instance of a computer outage, the airline should offer a full refund or re-book flights at no additional cost.

As of today Delta still not fixed its systemic computer problems and has also failed to add needed staff so that it is telling passengers they must wait 2+ hours just to reach a reservation or customer service agent.

In 2008 when big banks were deemed too big to fail, the US government took action. When the big auto companies were in trouble the government took action to save them. After 9/11 the government took action to save the airlines. Now four airlines control 85% of all domestic air travel and three joint ventures control 2/3 of international flights, so when one airline goes down, it compromises the entire national air transportation system. And all four (American, Southwest, Delta and United) and the FAA ATC over the past 10 years have had chronic computer outages, affecting millions of passengers and costing billions for the US economy, that depends on safe and reliable air travel.

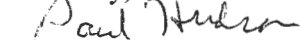
Under 49 USC §106(f)(3)(B)(ii), The Administrator of the FAA may issue emergency regulations and the Secretary of Transportation may ratify the emergency regulations within 5 days. The FAA issues airlines certificates of public convenience and necessity, to provide reliable air transportation to the general public, it is not a license to engage in negligent operations or chronic under investment in equipment causing a partial failure of the national air transportation system.

The FAA and DOT have the legal responsibility to regulate the airline industry "in the public interest and consistent with public convenience and necessity" as well to prohibit "deceptive or unfair practices." You are also charged with "developing and maintaining a sound regulatory system that is responsive to the needs of the public." 47 USC Section 40101(a)(4)(7)

Accordingly, FlyersRights.org and Travelers United call on you to take action to protect consumers from the unilateral mistakes of airlines by immediately re-instating the reciprocity rule (aka Rule 240) and mandating reliable backup and reserve capacity for computer and other critical air transportation operations and systems.

There is no justification for Delta passengers to be delayed up to three days due to its systemic failures while other airlines have empty seats flying to the same destinations.

Sincerely,



Paul Hudson

President, [Flyersrights.org](http://flyersrights.org)

Member, FAA Rulemaking Advisory Committee (1993-present)

218 D Street SE, 2nd Floor

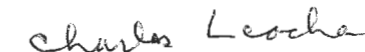
Washington, DC 20003

800-662-1859

410-940-8934

paul@flyersrights.org

web site: www.flyersrights.org



Charles Leocha, president

Travelers United

Member, DOT Advisory Committee for Aviation Consumer Protection

202-713-9596

Cc President Barack Obama

Valery Jarrett, Senior Advisor to the President
1600 Pennsylvania Ave. NW, Washington, DC 20500

Victor Mendez, DOT Deputy Secretary
Blane Workie, DOT Assistant General Counsel for Aviation Enforcement and
Proceedings
Carlos Monje, DOT Asst. Secretary for Policy
1200 New Jersey Ave. SE, Washington, DC 20591

Victoria Wassmer, FAA Deputy Administrator
Jenny Solomon, FAA Asst. Administrator for Policy
Reggie Govan, Esq., FAA Chief Counsel
Lirio Liu, FAA Office of Rulemaking
800 Independence Ave. SW
Washington, DC 20591

Organizational statements attached.

About Travelers United

Travelers United (formerly Consumer Travel Alliance) is a nonprofit, nonpartisan membership organization that works to provide consumers an articulate and reasoned voice in decisions that affect travel consumers across travel's entire spectrum — airlines, rental cars, cruise lines, rail and hotels. Travelers United's staff gathers facts, analyzes issues, and disseminates that information to the public, the travel industry, regulators and policy makers. For more information or to join, visit travelersunited.org.

About FlyersRights.org

FlyersRights.org is the largest airline passenger organization with over 60,000 member/supporters. It was founded in 2007 when 10,000 airline passengers were stranded on 124 American Airlines flights during the Christmas holidays for close to ten hours. They were given little or no food, water, medical attention or basic sanitary services such as working toilets. It operates a staffed office in Washington DC advocating for the rights and interests of airline passengers, publishes a weekly newsletter, and provides a toll free helpline for airline passengers 877-FLYERS6 .